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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all similarly
situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

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Case No.: 4:20-cv-03664-YGR-SVK

**SECOND DECLARATION OF MARK C.
MAO IN SUPPORT OF PLAINTIFFS'
ORDER TO SHOW CAUSE MOTION**

The Honorable Susan van Keulen
Courtroom 6 - 4th Floor
Date: April 21, 2022
Time: 10:00 a.m.

SECOND DECLARATION OF MARK C. MAO

I, Mark C. Mao, declare as follows.

1. I am a partner with the law firm of Boies Schiller Flexner LLP, counsel for Plaintiffs in this matter. I am an attorney at law duly licensed to practice before all courts of the State of California. I have personal knowledge of the matters set forth herein and am competent to testify.

2. I submit this Second Declaration in support of Plaintiffs' Motion for an Order to Show Cause Why Google Should Not Be Sanctioned for Discovery Misconduct (Dkt. 430).

3. On February 26, 2022, Plaintiffs filed their Motion for an Order to Show Cause Why Google Should Not Be Sanctioned (Dkt. 430, the "Sanctions Motion").

4. Since filing the Sanctions Motion, Plaintiffs have uncovered additional evidence of Google withholding relevant discovery [REDACTED]

5. While Plaintiffs' Sanctions Motion focused on Google's concealment of a [REDACTED], Plaintiffs have since discovered that Google also concealed [REDACTED]

6. [REDACTED]

[REDACTED] A true and correct copy of this document is attached hereto as **Exhibit 1**.

7. [REDACTED]

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[REDACTED]

8. Pursuant to the Court’s November 12, 2021 Order on discovery (Dkt. 331), Google was required to identify all relevant log sources that could contain Plaintiffs’ data and information. Google then provided a declaration from Andre Golueke (a Discovery Manager in Google’s Legal Department) confirming that Google had identified all relevant data sources, listed in Exhibit A to that declaration (Dkt. 338).

9. Following the filing of the Sanctions Motions, Plaintiffs continued meeting and conferring with Google, both with and without the supervision of the Special Master. During those meet and confer discussions, [REDACTED]

[REDACTED]

10. [REDACTED]

[REDACTED]

[REDACTED]

11. [REDACTED]

[REDACTED]

[REDACTED]

12. On March 10, 2022, Plaintiffs deposed Dr. Sadowski.

13. During her testimony, Dr. Sadowski [REDACTED] which was marked as Exhibit 2 for that deposition. A true and correct copy of that document is attached hereto as **Exhibit 2.**

14. [REDACTED]

[REDACTED] *See*
Exhibit 2.

15. [REDACTED]

[REDACTED]

16. [REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED] **Exhibit 3**, Sadowski Tr. 79:19-80:9.

17. [REDACTED]

[REDACTED]

18. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

19. [REDACTED]

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20. [REDACTED]

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21. [REDACTED]

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[REDACTED]

[REDACTED]

24. [REDACTED]

[REDACTED]

[REDACTED]

25. [REDACTED]

[REDACTED]

[REDACTED] See **Exhibit 4** (excerpts from Liu transcript).

26. [REDACTED]

[REDACTED] **Exhibit 4**, Liu Tr. 19:24-

20:8. [REDACTED]

[REDACTED] **Exhibit 4**, Liu Tr. 41:23-42:12.

27. [REDACTED]

[REDACTED] **Exhibit 3**, Sadowski Tr.

91:2-8.

28. [REDACTED]

[REDACTED]

[REDACTED]

29. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

30. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

31. Attached hereto as **Exhibit 1** is a true and correct copy of a document Google

1 produced in discovery labeled GOOG-BRWN-00536949. The document was produced on
2 October 5, 2021.

3 32. Attached hereto as **Exhibit 2** is a true and correct copy of a document Google
4 produced during the deposition of Dr. Caitlin Sadowski, marked as Exhibit 2 to that deposition.

5 33. Attached hereto as **Exhibit 3** are excerpts from the transcript of the deposition of
6 Dr. Caitlin Sadowski conducted on March 10, 2022.

7 34. Attached hereto as **Exhibit 4** are excerpts from the transcript of the deposition of
8 Ms. Mandy Liu conducted on March 8, 2022.

9 I declare under penalty of perjury under the laws of the United States of America that the
10 foregoing is true and correct. Executed this 16th day of March, 2022, at San Francisco, California.

11 /s/ Mark C. Mao
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